

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARIA ROSE FIORENZA,

Plaintiff(s),

-against-

NOTICE OF MOTION TO
DISMISS PURSUANT TO FED.
R. CIV. P. 12(b)(1) and 12(b)(6)

FREMONT INVESTMENT & LOAN, HSBC BANK
U.S.A., NATIONAL ASSOCIATION, AS TRUSTEE
FOR NOMURA HOME EQUITY LOAN, INC.
ASSET-BACKED PASS THROUGH CERTIFICATES
SERIES 2006-FM2, and GRACE M. PELLEGRINO,
d/b/a GMP FINANCIAL SERVICES,

Case No.: 08-CV-0858
(DF) (SAS)

Defendant(s).

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

Defendants, FREMONT INVESTMENT & LOAN and HSBC BANK U.S.A. NATIONAL ASSOCIATION, AS TRUSTEE FOR NOMURA HOME EQUITY LOAN, INC., ASSET-BACKED PASS THROUGH CERTIFICATES SERIES 2006-FM2, by and through their attorneys, KNUCKLES & KOMOSINSKI, P.C., hereby move this Court for (a) an Order pursuant to Federal Rule of Civil Procedure 12(b)(1) dismissing Plaintiffs' Complaint as against these moving defendants for lack of subject matter jurisdiction (b) an Order pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted and (c) such other and further relief as this Court deems just and proper.

Dated: Tarrytown, New York
April 24, 2008

Yours, etc.,
KNUCKLES & KOMOSINSKI, P.C.

By: 
KENNETH J. FLICKINGER, ESQ. (KJ-1179)

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FREMONT INVESTMENT & LOAN and
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